

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFERSON A. MCGEE,

Plaintiff,

v.

AIRPORT LITTLE LEAGUE
BASEBALL INC., et al.,

Defendants.

No. 2:21-cv-01654-DAD-DB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING
DEFENDANTS' MOTIONS TO DISMISS,
AND DISMISSING THIS ACTION

(Doc. Nos. 47, 49, 50, 72, 76, 77)

Plaintiff Jefferson A. McGee, proceeding *pro se*, initiated this civil action on September 14, 2021. (Doc. No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 7, 2023, the assigned magistrate judge issued findings and recommendations recommending that defendants' motions to dismiss plaintiff's second amended complaint (Doc. Nos. 47, 49, 50) be granted and that this action be dismissed without leave to amend because granting plaintiff further leave to amend his complaint would be futile. (Doc. No. 72.) In particular, the magistrate judge found that, despite the court's guidance regarding the applicable legal standards and plaintiff's pleading deficiencies (which the court explained in its order granting defendants' motions to dismiss plaintiff's first amended complaint), plaintiff's second amended complaint was "simply a longer version of the [first] amended complaint, consisting of vague and conclusory allegations," and "devoid of any factual allegations" to support his

1 allegations of racial discrimination. (*Id.* at 4–5.) The findings and recommendations were served
2 on the parties and contained notice that any objections thereto were to be filed within fourteen
3 (14) days after service. (*Id.* at 12.) On February 21, 2023, plaintiff filed objections to the
4 findings and recommendations. (Doc. No. 73.) None of the defendants filed objections of their
5 own, but on March 1, 2023, defendants Howard Chan and the City of Sacramento filed a response
6 to plaintiff’s objections. (Doc. No. 74.)

7 In his objections, plaintiff does not meaningfully address the deficiencies identified in the
8 findings and recommendations. Rather, plaintiff merely restates the applicable legal standards for
9 each of his causes of action and then states in conclusory fashion that he has “allege[d] enough
10 factual content to state a claim.” (Doc. No. 73 at 10–17.) Plaintiff does not, however, point to
11 any specific facts alleged in his second amended complaint that he contends supports his claims,
12 nor does he proffer any additional factual allegations that he would include if granted leave to
13 further amend his complaint. The undersigned therefore concludes that plaintiff’s objections
14 provide no basis upon which to reject the pending findings and recommendations. In addition,
15 although plaintiff has attached to his objections a proposed third amended complaint in which he
16 seeks over one billion dollars in damages, that proposed complaint does not allege facts sufficient
17 to cure the deficiencies identified in the pending findings and recommendations. Thus, the
18 undersigned agrees that the granting of further leave to amend would be futile.

19 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
20 *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff’s
21 objections and defendants’ response thereto, the court concludes that the findings and
22 recommendations are supported by the record and by proper analysis.

23 Accordingly,

- 24 1. The findings and recommendations issued on February 7, 2023 (Doc. No. 72) are
25 adopted in full;
- 26 2. The motion to dismiss filed by defendant Enrique Hernandez (Doc. No. 47) is
27 granted;

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3. The motion to dismiss filed by defendants City of Sacramento and Howard Chan (Doc. No. 49) is granted;
4. The motion to dismiss filed by defendant Little League Baseball, Inc. (Doc. No. 50) is granted;
5. This action is dismissed;
6. Plaintiff's motion to amend (Doc. No. 76) and motion for a temporary restraining order (Doc. No. 77) are denied as having been rendered moot by this order; and
7. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: May 19, 2023

Dale A. Droyd
UNITED STATES DISTRICT JUDGE